

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
DECEMBER 2, 2003
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Late Arrival: Paul J. Escobar arrived at 9:14 a.m. Absent: None. Meeting was called to order at 9:03 a.m. and the invocation was given by Chaplain Sam L. Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. ***Christmas Tree In Lights Day***
2. ***Celebration from the City of El Paso for the Association of the United States Army***
3. ***El Paso Downtown Lions Club Year***

No action was taken on the presentation and Invitation to attend Grand Opening of Phase 1 of the Rio Grande Trail System at Borderland and Rio Grande on Saturday, December 6, 2003 at 10:30 a.m.

Ms. Sally Gavlik, El Paso County Parks and Recreation Director, invited Council Members and the public to the opening of the 1st phase of the River Trail. She noted that the 1st phase of the River Trail was 4.6 miles from approximately Country Club to Canutillo and noted the many agencies involved in the River Trail as: the City of El Paso, the County of El Paso, Texas Parks and Wildlife, IBWC, and Paso Del Norte Health Foundation.

Motion made by Representative Cobos, seconded by Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of November 25, 2003; Special City Council Meeting of November 24, 2003; and Legislative Review Committee of the Whole Meeting of October 28, 2002.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

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.....

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Museum of Art be authorized to sign an Incoming Loan Agreement on behalf of the City of El Paso, for 15 artworks, borrowed from artist Burton Pritzker for the exhibition *Texas Rangeland: Burton Pritzker*, which will be held January 25, 2004 - April 18, 2004. The exhibition is being shipped from Austin, Texas at a cost of \$468.31. The works will arrive ready to hang; there are no other preparation costs for the El Paso Museum of Art.

***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF LEASE AND LESSOR ESTOPPEL CERTIFICATE FOR THAT CERTAIN LEASE ENTERED INTO BY THE CITY OF EL PASO FOR AND ON BEHALF OF ITS PUBLIC SERVICE BOARD, JANUARY, 1981. THE LEASE IS PARKING SPACE FOR A WAREHOUSE AT CARNEGIE AND SHELL STREETS CONSISTING OF 0.897 ACRES OF LAND, A PORTION OF SECTION 40, BLOCK 80, TOWNSHIP 2, T & P RR SURVEYS, EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the City of El Paso for and on behalf of its El Paso Water Utilities Public Service Board entered into a ground lease agreement on January 13, 1981 with M-9 Land Joint Venture as Lessee for parking space for a warehouse at Carnegie and Shell Streets; and,

WHEREAS, the Lease was assigned with the consent of the City of El Paso on August 5, 1992 to Carnegie Business Park; and,

WHEREAS, Carnegie Business Park desires to assign the ground lease to the Edmunds Family Partners, L.P. which consent has been granted pursuant to the ground lease; and,

WHEREAS, as a further requirement of the assignment and assumption of the ground lease, the underlying financial lender requests the City of EL Paso execute a Memorandum of Lease and Lessor Estoppel Certificate; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign the Memorandum of Lease and Estoppel Certificate for the Carnegie Business Park assignment of Lease and assumption of same by the Edmunds Family Partners, L.E. The Mayor is further authorized to sign any other necessary documentation to effectuate the intent of this resolution.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement between the City and County of El Paso, on behalf of the El Paso City-County Health and Environmental District, and the Town of Clint, Texas, for the provision of public health services by the Health District to residents of the Town of Clint. This Agreement is not to exceed the amount of \$4,417.80 and shall be effective from September 1, 2003 through August 31, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **STEPHEN J. WOJCIECHOWSKI, JR.**, to assist the Information Technology Department as a Network Administrator at a biweekly rate of \$1,780.80 for 40 hours per week. The term of the contract shall be for the period of December 19, 2003 through December 18, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **BLANCA M. GONZALEZ**, to amend the number of hours per week that the employee may work, amend the fringe benefits under the contract and to state the rate of pay on an hourly basis.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with **HOTEL PASO DEL NORTE, INC.** to provide One (1) 32 Gallon Container for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Agreement with the **FIRST AMERICAN TITLE INSURANCE COMPANY**, passed and approved on April 6, 1999, at the location municipally known and numbered as 801 North El Paso Street, El Paso, Texas 79902, to lend Two (2) 32 Gallon Containers, to add the First American Title Insurance Company location municipally known and numbered as 6450 Escondido, El Paso, Texas, and to lease an additional 32 Gallon Container and Seven (7) 8 Gallon Baskets, combining both locations for a total of Three (3) 32 Gallon Containers and Seven (7) 8 Gallon Baskets, adding future sites as requested by leasor, for a service fee of \$5.00 for each location for each month, in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 6th day of January, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the accessory Building located on the property at 2120 Pittsburg, in El Paso, Texas, which property is more particularly described as:

Lots: 22 and 23, Block 28, Third Amended Map of Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 13, Page 8, Plat Records of El Paso County

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Rosemary Richie, 2120 Pittsburg Avenue, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said accessory Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the accessory building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said accessory Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Tierra Del Este Unit Eight
Owner/Developer: Ranchos Real VI, LTD.
Consultant: Conde Inc.

Street Improvements:

Tierra Zafiro Drive - from the north property line of Edgemere Boulevard to the northeast subdivision boundary line
Tierra Cromo Drive - from the north property line of Edgemere Boulevard to the south property line of Tierra Plata Drive
Tierra Ruby Drive - from the west property line of Tierra Cobre Drive to the south property line of Tierra Plata Drive
Tierra Pez Way - from the east property line of Tierra Ruby Drive to the end of cul-de-sac
Tierra Cobre Drive - from the north property line of Edgemere Boulevard to the south property line of Tierra Plata Drive
Tierra Plata Drive - from the east property line of Tierra Zafiro Drive to the south property line of Tierra Azteca Drive
Tierra Lisa Way - from the south property line of Tierra Azteca Drive to the end of cul-de-sac
Tierra Azteca Drive - from the east property line of Tierra Zafiro Drive to the west property line of Tierra Este Road
Tierra Meca Drive - from the north property line of Tierra Azteca Drive to the south property line of Tierra Inca Drive
Tierra Real Way - from the north property line of Tierra Azteca Drive to the end of cul-de-sac
Tierra Maya Drive - from the east property line of Tierra Zafiro Drive to the south property line of Tierra Inca Drive, and from the north property line of Tierra Inca Drive to the northeast subdivision boundary line
Tierra Apache Drive - from the east property line of Tierra Maya Drive to the west property line of Tierra Este Road
Tierra Inca Drive - from the east property line of Tierra Zafiro Drive to the west property line of Tierra Maya Drive, and from the east property line of Tierra Maya Drive to the west property line of Tierra Este Road
Tierra Rosa Way - from the east property line of Tierra Zafiro Drive to the end of cul-de-sac
Tierra Este Road - from the southwest subdivision boundary line to the northwest subdivision boundary line

Drainage Improvements:

Retention Ponding Area - at Lot 33, Block 56; with a 2.19 ac. Area and a 28.10 ac-ft. Capacity; 3-Thrust Block Structure with Concrete Rip-Rap; 51.64 ft. of 48" R.C.P.; 57.61 ft. of 18" R.C.P.; 86.95 ft. of 24" R.C.P.; 1-Junction Box/72" Manhole; 1220 ft. x 6 ft. high Rock Wall Fence around the ponding area perimeter; 332 ft. x 5 ft. Concrete Sidewalk; 20 ft. wide Concrete Drive Way; 18 ft. Double Swing Gate; and Pond Gauge

Retention Ponding Area - at Lot 25, Block 53; with a 2.39 ac. Area and a 31.36 ac-ft. Capacity; 2-Thrust Block Structure with Concrete Rip-Rap; 66.50 ft. of 48" R.C.P.; 89.32 ft. of 30" R.C.P.; 1346 ft. x 6 ft. high Rock Wall Fence around the ponding area perimeter; 280 ft. x 5 ft. and 280 ft. x 4 ft. Concrete Sidewalk; 20 ft. wide Concrete Drive Way; 18 ft. Double Swing Gate; and Pond Gauge

Storm Drainage System -

2-4 Grate Drop Inlet Type I; and 34.59 ft. of 24" R.C.P. located at Tierra Azteca Drive
1-2 Grate Drop Inlet Type I; located at Tierra Maya Drive
2-4 Grate Drop Inlet Type I; 16.13 ft. of 24" R.C.P.

419.30 ft. of 48" R.C.P.
 113.12 ft. of 42" R.C.P.
 1-Junction Box/72" Manhole; and 1-Junction Box/48" Manhole located at Tierra Inca Drive
 1-4 Grate Drop Inlet Type I; located at Turner Road
 15 ft. Drainage Easement - at Lot 22, Block 56; 119.50 ft. of 54" R.C.P.
 15 ft. Drainage Easement - at Lot 29, Block 56; 121.39 ft. of 18" R.C.P.
 20 ft. Drainage Easement - at Lot 10, Block 51; 1-9 Grate Off-Street Drop Inlet; and 104.68 ft. of 42" R.C.P.

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 *Motion made, seconded and unanimously carried that Irene D. Ramirez be appointed Interim City Engineer (provisional), effective December 2, 2003 at an annual salary of \$84,701.575.

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 *Motion made, seconded and unanimously carried to approve the Staffing Table Change for AIRPORT

Delete	2.00	Shuttle Bus Operator - Part time	GS 14
Add	2.00	Shuttle Bus Operator - Full time	GS 14

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 *Motion made, seconded and unanimously carried to approve the Staffing Table Change for COMPTROLLER

Delete	1.00	Accountant II	PM 75
Add	1.00	Systems Accountant	PM 77

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 *Motion made, seconded and unanimously carried to approve the Staffing Table Change for QUALITY OF LIFE SERVICES

Add	1.00	Secretary III	GS 19
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 *Motion made, seconded and unanimously carried to appoint Blanche Darley to the Arts and Culture Advisory Board by Mayor Joe Wardy.

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 *Motion made, seconded and unanimously carried that the following tax refund be approved:
 Armando & Laura Aguilar in the amount of \$2,647.13, overpayment of 2002 taxes.
 (PID #E222-999-0010-0800)

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 Motion made, seconded and unanimously carried to move to the regular agenda the request to issue Purchase Order to TRMI.

Mr. Ray Gilbert, citizen, commented on the number of sole sourced purchases made by the City and why local computer experts had not been consulted. He stated that the City of El Paso could be a big center of technology rather than exporting many purchases.

Representative Cushing asked Mr. Gilbert whether or not the agenda item should be reviewed further.

Representative Austin asked Mr. Byron Johnson, Director of Purchasing, whether or not contracts have language addressing minimizing the need for sole sourcing.

Mr. Johnson responded that RFPs make it necessary that those companies have local representatives and that other means are utilized by the Department to minimize the need to sole source. He noted that the item on the agenda addressed the license agreement to continue with the current software.

Motion made by Representative Cook, seconded by Representative Austin and unanimously carried that the Director of Purchasing be authorized to issue a Purchase Order to TRMI in the amount of \$143,000.00. TRMI is the sole provider for system upgrades, enhancements and support of software application and related customized hardware for the current Toll System. Additionally, it is requested that Mayor be authorized to sign any additional documents, contract and/or agreements. (Contract Number 2004-057)

Department: Street – International Bridges
Funds available: 32000080-43005-508010 Project PBR001
SIB Loan Capitol Program – Auto Toll Collections
Awarded amount: \$143,000.00

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to suspend the Rules of Order regarding electronic voting for the remainder of the meeting, that is, for the budget transfers, all the executive session items and the emergency addition to the agenda.

Motion made, seconded and unanimously carried to move to the regular agenda BT2004-099 PARKS AND RECREATION.

Mr. Ray Gilbert, citizen, commented.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-099 PARKS AND RECREATION.

This budget transfer requests a new appropriation for L. F. Washington Community Center to purchase a portable skate and board ramp. This portable ramp will be used on adjacent concrete slabs to accommodate skate boarders.

Increase	\$950	to	51510081/P50020916309/407001	Est Rev
Increase	\$950	to	51510081/P50020916309/503116	Rec Sup

NOTE: All budget transfers were considered together.

Motion made, seconded and unanimously carried to move to the regular agenda BT2004-191 BUILDING AND PLANNING SERVICES.

See discussion on BT2004-099 PARKS AND RECREATION.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-191 BUILDING AND PLANNING SERVICES.

Building and Planning Services proposes to appropriate \$7,127,000 to fund the construction phase of the Main Library Remodel/Refurbish. Funding source is 2000 QOL bonds.

Increase	\$6,457,145	to	31130512/PPW005600226277/508027	Construction
Increase	\$ 177,000	to	31130512/PPW005600226277/508026	Inspection
Increase	\$ 177,000	to	31130512/PPW005600226277/508024	Testing
Increase	\$ 40,000	to	31130512/PPW005600226277/508022	Admin
Increase	\$ 275,855	to	31130512/PPW005600226277/502115	Consulting
Increase	\$7,127,000	to	31130512/PPW005600226277/407020	Bond Proc

NOTE: All budget transfers were considered together.

Motion made, seconded and unanimously carried to move to the regular agenda BT2004-192 BUILDING AND PLANNING SERVICES.

See discussion on BT2004-099 PARKS AND RECREATION.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-192 BUILDING AND PLANNING SERVICES.

Building and Planning Services proposes to appropriate \$4,180,000 to fund the construction phase of the Eastside Regional Branch Library. Funding source is 2000 QOL bonds.

Increase	\$3,764,993	to	31130562/PPW0056005YR260003/508027	Construction
Increase	\$ 106,000	to	31130562/PPW0056005YR260003/508026	Inspection
Increase	\$ 106,000	to	31130562/PPW0056005YR260003/508024	Testing
Increase	\$ 24,000	to	31130562/PPW0056005YR260003/508022	Admin
Increase	\$ 179,007	to	31130562/PPW0056005YR260003/502115	Consulting
Increase	\$4,180,000	to	31130562/PPW0056005YR260003/407020	Bond Proc

NOTE: All budget transfers were considered together.

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Motion made, seconded and unanimously carried to move to the regular agenda BT2004-193 BUILDING AND PLANNING SERVICES.

See discussion on BT2004-099 PARKS AND RECREATION.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-193 BUILDING AND PLANNING SERVICES.

Building and Planning Services proposes to appropriate \$1,042,000 to fund the construction phase of Cleveland Square Park. Funding source is 2000 QOL bonds.

Increase	\$ 948,001	to	31130500/PPW004600826272/508027	Construction
Increase	\$ 25,000	to	31130500/PPW004600826272/508026	Inspection
Increase	\$ 25,000	to	31130500/PPW004600826272/508024	Testing
Increase	\$ 6,000	to	31130500/PPW004600826272/508022	Admin
Increase	\$ 37,999	to	31130500/PPW004600826272/502115	Consulting
Increase	\$1,042,000	to	31130500/PPW004600826272/407020	BondProc

NOTE: All budget transfers were considered together.

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Motion made, seconded and unanimously carried to move to the regular agenda BT2004-195 BUILDING AND PLANNING SERVICES.

See discussion on BT2004-099 PARKS AND RECREATION.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-195 BUILDING AND PLANNING SERVICES.

Building and Planning Services proposes to appropriate \$86,000 to fund the construction phase and Project Manager's fees for Memorial Park and Pool. Funding source is 2000 QOL bonds.

Decrease	\$ 6,553	from	31130550/PPW0046026YR260029/508027	Construction
Increase	\$86,000	to	31130550/PPW0046026YR260029/407020	BondProc
Increase	\$92,553	to	31130550/PPW0046026YR260029/502115	Consulting

NOTE: All budget transfers were considered together.

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Motion made, seconded and unanimously carried to move to the regular agenda BT2004-196 BUILDING AND PLANNING SERVICES.

See discussion on BT2004-099 PARKS AND RECREATION.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-196 BUILDING AND PLANNING SERVICES.

Building and Planning Services proposes to appropriate \$3,201,500 to fund the construction phase of the Northeast Regional Park. Funding source is 2000 QOL bonds.

Increase	\$2,852,148	to	31130550/PPW004600460016/508027	Construction
Increase	\$ 90,000	to	31130550/PPW004600460016/508026	Inspection
Increase	\$ 90,000	to	31130550/PPW004600460016/508024	Testing
Increase	\$ 20,000	to	31130550/PPW004600460016/508022	Admin
Increase	\$ 149,352	to	31130550/PPW004600460016/502115	Consulting
Increase	\$3,201,500	to	31130550/PPW004600460016/407020	BondProc

NOTE: All budget transfers were considered together.

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Motion made, seconded and unanimously carried to move to the regular agenda BT2004-201 BUILDING AND PLANNING SERVICES.

See discussion on BT2004-099 PARKS AND RECREATION.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-201 BUILDING AND PLANNING SERVICES.

Building and Planning Services proposes to appropriate \$109,000 to fund the construction phase of San Jacinto Plaza. Funding source is 2000 QOL bonds.

Increase	\$ 59,976	to	31130600/PPW004604760062/508027	Construction
Increase	\$ 13,000	to	31130600/PPW004604760062/508026	Inspection
Increase	\$ 13,000	to	31130600/PPW004604760062/508024	Testing
Increase	\$ 3,000	to	31130600/PPW004604760062/508022	Admin
Increase	\$ 20,024	to	31130600/PPW004604760062/502115	Consulting
Increase	\$109,000	to	31130600/PPW004604760062/407020	BondProc

NOTE: All budget transfers were considered together.

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Motion made, seconded and unanimously carried to move to the regular agenda BT2004-202 BUILDING AND PLANNING SERVICES.

See discussion on BT2004-099 PARKS AND RECREATION.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-202 BUILDING AND PLANNING SERVICES.

Building and Planning Services proposes to allocate \$2,175,000 to fund the construction phase to convert the pool at Washington to a Zoo facility. Funding source is 2000 QOL bonds.

Increase	\$1,962,929	to	31130564/PPW0057004YR260008/508027	Construction
Increase	\$ 56,000	to	31130564/PPW0057004YR260008/508026	Inspection
Increase	\$ 56,000	to	31130564/PPW0057004YR260008/508024	Testing
Increase	\$ 13,000	to	31130564/PPW0057004YR260008/508022	Admin
Increase	\$ 87,071	to	31130564/PPW0057004YR260008/502115	Consulting
Increase	\$2,175,000	to	31130564/PPW0057004YR260008/407020	BondProc

NOTE: All budget transfers were considered together.

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Motion made, seconded and unanimously carried to move to the regular agenda BT2004-203 BUILDING AND PLANNING SERVICES.

See discussion on BT2004-099 PARKS AND RECREATION.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-203 BUILDING AND PLANNING SERVICES.

Building and Planning Services proposes to allocate \$384,750 to fund the construction phase for the storage buildings – Animal Holding facilities at the Zoo. Funding source is 2000 QOL bonds.

Increase	\$346,320	to	31130564/PPW0057005YR260009/508027	Construction
Increase	\$ 10,000	to	31130564/PPW0057005YR260009/508026	Inspection
Increase	\$ 10,000	to	31130564/PPW0057005YR260009/508024	Testing
Increase	\$ 3,000	to	31130564/PPW0057005YR260009/508022	Admin
Increase	\$ 15,430	to	31130564/PPW0057005YR260009/502115	Consulting
Increase	\$384,750	to	31130564/PPW0057005YR260009/407020	BondProc

NOTE: All budget transfers were considered together.

Motion made, seconded and unanimously carried to move to the regular agenda BT2004-204 BUILDING AND PLANNING SERVICES.

See discussion on BT2004-099 PARKS AND RECREATION.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-204 BUILDING AND PLANNING SERVICES.

Building and Planning Services proposes to allocate \$471,750 to fund the construction phase of the Administration Building at the Zoo. Funding source is 2000 QOL bonds.

Increase	\$426,000	to	31130564/PPW0057006YR260010/508027	Construction
Increase	\$ 12,000	to	31130564/PPW0057006YR260010/508026	Inspection
Increase	\$ 12,000	to	31130564/PPW0057006YR260010/508024	Testing
Increase	\$ 3,000	to	31130564/PPW0057006YR260010/508022	Admin
Increase	\$ 18,750	to	31130564/PPW0057006YR260010/502115	Consulting
Increase	\$471,750	to	31130564/PPW0057006YR260010/407020	BondProc

NOTE: All budget transfers were considered together.

Motion made, seconded and unanimously carried to move to the regular agenda BT2004-205 BUILDING AND PLANNING SERVICES.

See discussion on BT2004-099 PARKS AND RECREATION.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-205 BUILDING AND PLANNING SERVICES.

Building and Planning Services proposes to allocate \$542,750 to fund the construction phase of the Animal Quarantine facility at the Zoo. Funding source is 2000 QOL bonds.

Increase	\$489,136	to	31130564/PPW0057007YR260011/508027	Construction
Increase	\$ 14,000	to	31130564/PPW0057007YR260011/508026	Inspection
Increase	\$ 14,000	to	31130564/PPW0057007YR260011/508024	Testing
Increase	\$ 4,000	to	31130564/PPW0057007YR260011/508022	Admin
Increase	\$ 21,614	to	31130564/PPW0057007YR260011/502115	Consulting
Increase	\$542,750	to	31130564/PPW0057007YR260011/407020	BondProc

NOTE: All budget transfers were considered together.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- PUBLIC HEARING WILL BE HELD ON TUESDAY, DECEMBER 16, 2003 FOR ITEM A**

- REGULAR COUNCIL MEETING – DECEMBER 2, 2003

from R-3 (Residential) to C-3 (Commercial) and imposing certain conditions, Parcel 12: A portion of S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential), and Parcel 13: A portion of S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential) and imposing certain conditions. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Colony Development, LP; Hunt El Paso Investment, Ltd.; and Hillview / Representative: Conde, Inc.; 1790 Lee Treviño Drive, Suite 400, El Paso, TX 79936. ZON03-00046.

PUBLIC HEARING WILL BE HELD ON MONDAY, DECEMBER 22, 2003, FOR ITEMS B – D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
Motion made by Representative Power, seconded by Representative Escobar and carried to authorize the installation of a four-way stop sign at the corner of Trawood and Lake Erie.

Representative Power explained that many accidents, some severe, had occurred at or near the intersection of Trawood and Lake Erie and requested that a four-way stop be installed at that same intersection.

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, explained that a four way stop at that intersection did not meet the criteria as per the Texas Manual Uniform Traffic Control Devices. He answered questions from and responded to comments made by Representatives Cobos, Escobar, Lozano, Cook and Austin.

Representative Power moved to install a four-way stop at the corner of Lake Erie and Trawood. Representative Escobar seconded.

- AYES: Representatives Lozano, Power, Escobar, Rojas and Cobos
NAYS: Representatives Austin, Cushing, and Cook

.....
*Motion made, seconded and unanimously carried to postpone four (4) weeks, until the Regular City Council Meeting scheduled for Friday, January 2, 2004, the Resolution that the El Paso City Council hereby renames a portion of Railroad Drive to Sam Borsberry Drive, beginning at its intersection with Fred Wilson Drive and ending at its intersection with McCombs Street, and authorizes the Mayor to take any and all action necessary to effectuate such renaming. The entire length of Railroad Drive hereby renamed is located within the City of El Paso, El Paso County, Texas.

.....
RESOLUTION

WHEREAS, the University of Texas System (University of Texas at El Paso) owns and has facilities located adjacent to Hawthorne Street and Rim Road located within the City of El Paso; and

WHEREAS, the University of Texas System (University of Texas at El Paso) has requested that the City of El Paso initiate street vacation for portions of Hawthorne Street and Rim Road to facilitate the extension of additional utilities and infrastructure services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

THAT the El Paso City Council hereby authorizes the Planning, Research and Development Director to sign and submit City-initiated street vacation applications for portions of Hawthorne Street Rim Road.

Mr. Rudy Valdez, Chief Urban Planner, explained that UTEP had requested that the City initiate vacating portions of Hawthorne and Rim and answered questions from and responded to comments made from Representative Austin and Mayor Wardy.

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

.....
ORDINANCE 15615

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO BENCH ADS OF EL PASO, INC. TO PLACE BENCHES AT BUS STOPS ON CITY RIGHTS OF WAY PURSUANT TO TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.20 (MISCELLANEOUS STREET AND SIDEWALK USE REGULATIONS), SECTION 13.20.110 (BUS BENCH FRANCHISES) OF THE EL PASO MUNICIPAL CODE. THE PENALTIES BEING AS PROVIDED IN SECTIONS 1.08 AND 13.20.110 OF THE EL PASO MUNICIPAL CODE.**

Public comment took place on the Ordinance:

Mr. Luther Jones, attorney representing Bench Ads of El Paso Inc., spoke in favor of the Ordinance and answered the questions of Council.

Mr. Tim Rich, Bench Ads of El Paso, Inc., spoke in favor of the Ordinance.

Mr. Raymond Telles, Assistant City Attorney, and Ms. Teresa Garcia, Assistant City Attorney, answered the questions of Council.

Mr. Said Larbi-Cherif, Building Permits and Inspections, provided information regarding enforcement of bus benches.

Mr. Joe Oliva, Southwest Bench, spoke in opposition to the Ordinance.

Mr. Richard Nassim, Pinnacle Media, spoke in favor of the Ordinance.

Ms. Patricia D. Adauto, Deputy CAO Building and Planning Services, provided information regarding inspection, enforcement and fee issues.

Motion duly made by Representative Cobos, seconded by Representative Lozano, that the Ordinance be adopted, as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinance was revised.
.....

ORDINANCE 15616

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE BONDS, SERIES 2003B, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$10,000,000, FOR THE PURPOSE OF IMPROVING AND EXTENDING THE CITY'S WATER AND SEWER SYSTEM AND PAYING THE COSTS RELATED TO THE ISSUANCE OF THE BONDS, AND ENACTING PROVISIONS INCIDENT AND RELATED THERETO.**

Mr. Ed Archuleta, General Manager of El Paso Water Utilities and Public Service Board, explained the rationale for issuing the Bonds.

Representative Cook questioned what the interest rates would be.

Mr. Brook, Vinson & Elkins the City's outside bond counsel, explained the interest rates for years 2006 through 2024 and noted that the overall interest rate was 3.96%.

The City Clerk called for public comment. There was no further public comment.

Motion duly made by Representative Cushing, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos		
NAYS:	None	Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15617

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 10-E, 10-F AND 11-D, SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (11248 MONTANA AVENUE) FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, explained that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval and that there was no opposition to the proposed auto sales and office.

Representative Power questioned the previous opposition to the zoning change request.

Mr. Ali Boureslan, representing the client, responded that the property size had been reduced, as the bulk of auto sales would take place over the Internet.

The City Clerk called for public comment. There was no further public comment.

Motion duly made by Representative Power, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Power and Rojas.		
NAYS:	None	Absent:	None

Representatives Escobar and Cobos were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15618

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON03-00042 TO SATISFY PARKING REQUIREMENTS FOR PARCEL 1, DESCRIBED AS BLOCK 91, ALEXANDER ADDITION, AND PARCEL 2, DESCRIBED AS BLOCK 90, ALEXANDER ADDITION, BOTH IN EL PASO, EL PASO COUNTY, TEXAS, BY ALLOWING OFF-SITE, OFF-STREET PARKING ON PARCELS 3 - 7, DESCRIBED AS FOLLOWS: PARCEL 3, DESCRIBED AS LOTS 11-20, BLOCK 77, ALEXANDER ADDITION; PARCEL 4, DESCRIBED AS THE NORTH 18 FEET OF LOT 3, LOTS 4 - 8 AND THE SOUTH 2 FEET OF LOT 9, BLOCK 77, ALEXANDER ADDITION; PARCEL 5, DESCRIBED AS LOTS 11 - 20, BLOCK 46, ALEXANDER ADDITION; PARCEL 6, DESCRIBED AS LOTS 1-10, BLOCK 78, ALEXANDER ADDITION; AND PARCEL 7, DESCRIBED AS LOTS 9-12, INCLUSIVE TOGETHER WITH AN ALLEY LOCATED ADJACENT TO AND BETWEEN LOTS 9 & 10 AND 11 & 12, BLOCK 79 AND THE LAND LOCATED ADJACENT TO AND BETWEEN LOTS 11 & 12, BLOCK 79 AND LOTS 9 & 10, BLOCK 80, ALEXANDER ADDITION AND LOTS 9-12, INCLUSIVE TOGETHER WITH AN ALLEY LOCATED ADJACENT TO AND BETWEEN LOTS 9 & 10 AND 11 & 12, BLOCK 80 AND LOTS 9-12, INCLUSIVE TOGETHER WITH AN ALLEY LOCATED ADJACENT TO AND BETWEEN LOTS 9 & 10 AND 11 & 12, BLOCK 81, ALL IN EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.52.060 AND SECTION 20.24.040 OF THE EL PASO MUNICIPAL CODE. ZONE: S-D (SPECIAL DEVELOPMENT) AND A-3/SP (APARTMENT/SPECIAL PERMIT). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, explained that the Las Palmas Medical Center had requested the zoning change for parking and added that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval.

The City Clerk called for public comment. There was no further public comment.

Motion duly made by Representative Austin, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Escobar, Rojas and Cobos

NAYS: None Absent: None

Representatives Cushing and Power were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15619

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF BLOCK A, MILAGRO HILLS ADDITION, EL PASO, EL PASO COUNTY, TEXAS (5246 RUSHING ROAD) FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no further public comment.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Escobar, Rojas and Cobos

NAYS: None Absent: None

Representatives Cushing and Power were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

ORDINANCE 15620

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 3A AND 4A, S.A. & M.G. RAILWAY CO. SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS (MONTOKA LANE AND ETHEL ROAD) FROM R-3 (RESIDENTIAL) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, explained that the zoning change was for 39 single family residential units and that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval, there was no opposition to the zoning change request.

The City Clerk called for public comment. There was no further public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Representative Power was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

ORDINANCE 15621

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 1, 4, AND 5, BLOCK 1, FARAH SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS (8889 GATEWAY WEST BOULEVARD) FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no further public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Representative Power was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance granting Special Permit No. ZON03-00039, to allow for a ground-mounted radio broadcasting antenna support structure with antennas and equipment storage facilities on a portion of Tracts 53 and 54, Valley Gate Subdivision, El Paso, El Paso County, Texas (275 Springfield Street) pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: McClatchey Broadcasting / Representative: Arnold McClatchey, 6900 Commerce, El Paso, TX 79915.

*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance vacating a portion of a sixteen foot wide alley within Block 91, Alexander Addition, City of El Paso, El Paso County, Texas.

ORDINANCE 15622

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF CONCEPCION AVENUE ADJACENT TO TRACT 25B, ELIJAH BENNETT SURVEY NO. 11, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Mr. Rudy Valdez, Chief Urban Planner, explained that the 30-foot right-of-way vacation was necessary for the Texas Tech research tower and added that Concepcion Avenue would not be narrowed.

The City Clerk called for public comment. There was no further public comment.

Motion duly made by Representative Lozano, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance authorizing the City of El Paso to enter into a Joint Use Agreement with Wal-Mart Store East, Inc. for the purpose of granting each party certain easement rights and to undertake certain obligations in connection with a portion of Lot 5, Block 11, Vista Del Sol Unit 2, City of El Paso, El Paso County, Texas and a portion of Tract 3, Block 1, Ascarate Grant, City of El Paso, El Paso County Texas.

*Motion made, seconded and unanimously carried to postpone one (1) week a public hearing to determine if the property located at 807 E. Fourth Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated June 23rd, 2003. The owners of this property, Jose Luis Cadena and Alma Delia Hernandez, 1107 Delta Drive #B, El Paso, Texas 79901 and Jesus Rivera, 1200 N. Copia Street, El Paso, Texas 79903, have been notified of the violations at this property. Delinquent taxes in the amount of \$1,559.58.

NOTE: Delinquent taxes were revised from "\$1,540.45" to "\$1,559.58".

ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to appoint Beatriz (Betty) Hernandez-Araujo to the Enterprise Community Coordinating Committee by Representative Robert A. Cushing, Jr., District 2 (serving an unexpired term).

EMERGENCY ADDITION TO THE AGENDA

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to issue a purchase order, not to exceed \$15,000, pursuant to the May 7, 2003 Agreement for Engineering Services by and between the **CITY OF EL PASO** and **HUITT-ZOLLARS, INC.**, for civil engineering services to authorize an inspection of identified beams supporting the vehicle ramps and the second parking level of the Police Department Parking Garage at 215 S. Campbell St., to prepare an inspection report, an estimate and construction drawings for emergency repairs, and to authorize the use of a modified indemnification provision for this purchase order.

The importance of this item constitutes an urgent public necessity because of the immediate threat to public health and safety because if the identified beams should fail, the remaining levels of the Police Garage structure may not be able to withstand the additional load thereby placing the balance of the structure in a possibility of collapse. It is necessary for Council to take immediate action on this matter because this facility is located in a heavily traveled area, both by pedestrians and vehicles. The structural inspection is necessary to preserve the City's property and the traveling public.

Representative Cook explained that he had requested the parking garage be reviewed many years ago. He questioned whether the structure should be condemned and demolished.

Mr. Ed Drusina, Deputy Chief Administrative Officer, Municipal Services, explained that a survey of the parking garage was conducted four years ago and it was decided that the structure was not of a critical nature; however, recently new cracks had been discovered. He noted that the structure was now considered a safety hazard.

Mayor Joe Wardy stated that the County of El Paso was interested in this and other City properties as a trade and added that the City was not making the necessary repairs for the County.

Mr. Jim Martinez, Chief Administrative Officer, explained that the engineering services were necessary for proper decision making regarding the future of the structure. He requested that further discussion on the matter be taken into Executive Session.

.....
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:13 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A.** Lilia Maldonado, 98-Y-007 (551.071)
- B.** Investment Builders, Inc. v. Housing Authority of the City of El Paso, Paisano Housing Redevelopment Corporation, Robert Bowling IV, Joseph Wardy and City of El Paso; Robert Bowling, IV v. Ike J. Monty, III, Cause No. 2003-3054. (551.071)
- C.** The Housing Authority of The City of El Paso v. City of El Paso and Joe Wardy, Mayor of the City of El Paso; Cause No. 08-03-00376-CV. (551.071)

- D. Discussion and action to issue a purchase order, not to exceed \$15,000, pursuant to the May 7, 2003 Agreement for Engineering Services by and between the **CITY OF EL PASO** and **HUITT-ZOLLARS, INC.**, for civil engineering services to authorize an inspection of identified beams supporting the vehicle ramps and the second parking level of the Police Department Parking Garage at 215 S. Campbell St., to prepare an inspection report, an estimate and construction drawings for emergency repairs, and to authorize the use of a modified indemnification provision for this purchase order.

The importance of this item constitutes an urgent public necessity because of the immediate threat to public health and safety because if the identified beams should fail, the remaining levels of the Police Garage structure may not be able to withstand the additional load thereby placing the balance of the structure in a possibility of collapse. It is necessary for Council to take immediate action on this matter because this facility is located in a heavily traveled area, both by pedestrians and vehicles. The structural inspection is necessary to preserve the City's property and the traveling public. (551.071)

Motion made by Representative Power, seconded by Representative Lozano and unanimously carried to adjourn the Executive Session at 12:03 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City settle its subrogation interest in the claim of **LILIA MALDONADO; Our File No. 98-Y-007** as recommended by the City Attorney.

.....
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Attorney be authorized to negotiate and settle the lawsuits and file all appropriate documents in the matters entitled *Investment Builders v. HACEP, Paisano Housing Redevelopment Corporation, Robert Bowling IV, Joseph Wardy and City of El Paso; Robert Bowling, IV v. Ike J. Monty, III*, Cause No. 2003-3054 and the matter entitled *The Housing Authority of The City of El Paso v. City of El Paso and Joe Wardy, Mayor of the City of El Paso*; Cause No. 08-03-00376-CV, as recommended by the City Attorney.

NOTE: This item was considered together with the next item.

.....
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Attorney be authorized to negotiate and settle the lawsuits and file all appropriate documents in the matters entitled *Investment Builders v. HACEP, Paisano Housing Redevelopment Corporation, Robert Bowling IV, Joseph Wardy and City of El Paso; Robert Bowling, IV v. Ike J. Monty, III*, Cause No. 2003-3054 and the matter entitled *The Housing Authority of The City of El Paso v. City of El Paso and Joe Wardy, Mayor of the City of El Paso*; Cause No. 08-03-00376-CV, as recommended by the City Attorney.

NOTE: This item was considered together with the previous item.

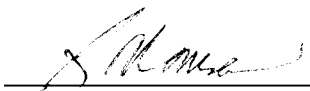
.....
Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to move to executive session of the regular agenda the following:

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to issue a purchase order, not to exceed \$15,000, pursuant to the May 7, 2003 Agreement for Engineering Services by and between the **CITY OF EL PASO** and **HUITT-ZOLLARS, INC.**, for civil engineering services to authorize an inspection of identified beams supporting the vehicle ramps and the second parking level of the Police Department Parking Garage at 215 S. Campbell St., to prepare an inspection report, an estimate and construction drawings for emergency repairs, and to authorize the use of a modified indemnification provision for this purchase order.

The importance of this item constitutes an urgent public necessity because of the immediate threat to public health and safety because if the identified beams should fail, the remaining levels of the Police Garage structure may not be able to withstand the additional load thereby placing the balance of the structure in a possibility of collapse. It is necessary for Council to take immediate action on this matter because this facility is located in a heavily traveled area, both by pedestrians and vehicles. The structural inspection is necessary to preserve the City's property and the traveling public.

.....
Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 12:07 p.m.
.....

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk